

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

QUASHAWN HAIRSTON,

Petitioner,

v.

CIVIL ACTION NO. 2:21-cv-00509

HUTTONSVILLE CORRECTIONAL CENTER,

Respondent.

MEMORANDUM OPINION AND ORDER

On September 9, 2021, the Petitioner, proceeding *pro se*, filed his letter-form Petition for a Writ of Habeas Corpus (Document 1). By *Standing Order* (Document 4) entered on September 10, 2021, the matter was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On January 6, 2022, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 8) wherein it is recommended that the Petition for a Writ of Habeas Corpus be dismissed without prejudice, and that this action be removed from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by January 24, 2022.¹

¹ The docket reflects that the *Proposed Findings and Recommendation* mailed to the Petitioner was returned as undeliverable on January 24, 2022.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petition for a Writ of Habeas Corpus (Document 1) be **DISMISSED without prejudice**, and that this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: February 1, 2022



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA